

JOURNAL OF THE HOUSE

EIGHTY-EIGHTH SESSION

TWENTY-FOURTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Friday, February 15, 2013

The House convened at 12:15 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Sarah Goldammer, followed by the Pledge of Allegiance led by House page Hadley Crowley.

Roll Call: All members present except Reps. Ecklund, Feinstein, Heinemann, Magstadt, Mickelson, Rasmussen, Rozum, and Schrempp who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-third day and finds that the following correction should be made:

On page 403, line 10, before "majority" insert "one-third".

All additional errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1165 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1138, 1139, 1205, and 1242 which were tabled.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration HB 1190 which was deferred to the 41st Legislative Day.

Respectfully submitted,
David Lust, Chair

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1204 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration HB 1183 and returns the same with the recommendation that said bill be amended as follows:

1183ca

On page 1, line 7, of the printed bill, after "exceed" insert "two hundred percent of".

On page 4, line 8, after "state." insert "At least one-half of the preschool children who participate in the program shall be from families whose annual income does not exceed one hundred percent of the federal poverty level, and the remaining participants shall be from families whose annual income does not exceed two hundred percent of the federal poverty level.".

1 On page 5, after line 18, insert:

2 " Section 10. There is hereby appropriated from the general fund the sum of one dollar (\$1),
3 or so much thereof as may be necessary, to the Department of Education for the purpose of
4 funding the pilot program established pursuant to this Act.

5 Section 11. The secretary of education shall approve vouchers and the state auditor shall
6 draw warrants to pay expenditures authorized by this Act.

7 Section 12. Any amounts appropriated in this Act not lawfully expended or obligated by
8 June 30, 2015, shall revert in accordance with the procedures prescribed in chapter 4-8."

9 1183ca

10 On page 1, line 7, of the printed bill, after "exceed" insert "two hundred percent of".

11 On page 4, line 8, after "state." insert "At least one-half of the preschool children who
12 participate in the program shall be from families whose annual income does not exceed one
13 hundred percent of the federal poverty level, and the remaining participants shall be from
14 families whose annual income does not exceed two hundred percent of the federal poverty
15 level."

16 On page 5, after line 18, insert:

17 " Section 10. There is hereby appropriated from the general fund the sum of one dollars (\$1),
18 or so much thereof as may be necessary, to the Department of Education for the purpose of
19 funding the pilot program established pursuant to this Act.

20 Section 11. The secretary of education shall approve vouchers and the state auditor shall
21 draw warrants to pay expenditures authorized by this Act.

22 Section 12. Any amounts appropriated in this Act not lawfully expended or obligated by
23 June 30, 2015, shall revert in accordance with the procedures prescribed in chapter 4-8."

24 1183cta

25 On page 1, line 2, of the printed bill, after "school" insert ", and to make an appropriation
26 therefor".

27 And that as so amended said bill be referred to the Committee on Appropriations.

1 Also MR. SPEAKER:

2 The Committee on Education respectfully reports that it has had under consideration
3 HB 1203 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Jacqueline Sly, Chair

6 Also MR. SPEAKER:

7 The Committee on Commerce and Energy respectfully reports that it has had under
8 consideration HB 1195 and 1238 which were tabled.

9 Also MR. SPEAKER:

10 The Committee on Commerce and Energy respectfully reports that it has had under
11 consideration HB 1243 which was deferred to the 41st Legislative Day.

12 Respectfully submitted,
13 Roger D. Solum, Chair

14 **MESSAGES FROM THE SENATE**

15 MR. SPEAKER:

16 I have the honor to transmit herewith SB 31, 42, and 186 which have passed the Senate and
17 your favorable consideration is respectfully requested.

18 Also MR. SPEAKER:

19 I have the honor to return herewith HB 1106 which has been amended by the Senate and
20 your concurrence in the amendments is respectfully requested.

21 Also MR. SPEAKER:

22 I have the honor to return herewith HB 1023 and 1169 which have passed the Senate
23 without change.

1 Also MR. SPEAKER:

2 I have the honor to return herewith HCR 1006 in which the Senate has concurred.

3 Respectfully,
4 Jeannette Schipper, Secretary

5 **MOTIONS AND RESOLUTIONS**

6 Rep. Hoffman moved that SCR 1 be deferred to Tuesday, February 19, the 25th legislative
7 day.

8 Which motion prevailed.

9 Rep. Russell moved that the Committee on Local Government be instructed to deliver
10 HB 1010 to the floor of the House, pursuant to Joint Rule 7-7.

11 A roll call vote was requested and not supported.

12 Rep. Russell's motion lost.

13 Rep. Nelson appealed the ruling of the chair on the request for a roll call vote.

14 Which request was not supported.

15 Rep. Campbell moved that the Committee on Health and Human Services be instructed to
16 deliver HB 1199 to the floor of the House, pursuant to Joint Rule 7-7.

17 A roll call vote was requested and not supported.

18 Rep. Campbell's motion lost.

19 **CONSIDERATION OF REPORTS OF COMMITTEES**

20 Rep. Lust moved that the reports of the Standing Committees on

21 State Affairs on HB 1161 as found on page 378 of the House Journal; also

1 State Affairs on HB 1212 as found on page 385 of the House Journal; also

2 State Affairs on HB 1214 as found on page 385 of the House Journal; also

3 Agriculture and Natural Resources on HB 1089 as found on page 386 of the House Journal;
4 also

5 Agriculture and Natural Resources on HB 1149 as found on page 400 of the House Journal;
6 also

7 Agriculture and Natural Resources on HB 1187 as found on page 400 of the House Journal
8 be adopted.

9 Which motion prevailed.

10 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

11 SB 31: FOR AN ACT ENTITLED, An Act to make an appropriation for the construction
12 of a maintenance building and to authorize the razing of three buildings at the STAR Academy
13 in Custer County.

14 Was read the first time and referred to the Committee on Appropriations.

15 SB 42: FOR AN ACT ENTITLED, An Act to update references to federal regulations
16 regarding safe transport of hazardous materials.

17 Was read the first time and referred to the Committee on Transportation.

18 SB 105: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
19 instruction permits and restricted minor's permits to drive a motor vehicle.

20 Was read the first time and referred to the Committee on Transportation.

21 SB 106: FOR AN ACT ENTITLED, An Act to prohibit certain minors from using wireless
22 communication devices while operating motor vehicles upon the public highways.

23 Was read the first time and referred to the Committee on Transportation.

24 SB 107: FOR AN ACT ENTITLED, An Act to limit the number of passengers allowed in
25 a motor vehicle operated by a holder of a restricted minor's permit.

26 Was read the first time and referred to the Committee on Transportation.

1 SB 186: FOR AN ACT ENTITLED, An Act to establish Good Earth State Park at Blood
2 Run in Lincoln County.

3 Was read the first time and referred to the Committee on Judiciary.

4 SB 216: FOR AN ACT ENTITLED, An Act to establish a state-wide driver education
5 program.

6 Was read the first time and referred to the Committee on Transportation.

7 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

8 Rep. Lust moved that the balance of the calendar including HB 1045, 1217, 1191, 1194,
9 1234, 1136, 1137, 1250, and 1228 and SB 41, 45, 23, 72, 18, 19, 27, 78, 86, 156, 68, 88, 145,
10 96, 22, 29, 30, 239, 69, 103, and 118 be deferred to Tuesday, February 19th, the 25th legislative
11 day.

12 Which motion prevailed.

13 There being no objection, the House reverted to Order of Business No. 5.

14 **REPORTS OF STANDING COMMITTEES**

15 MR. SPEAKER:

16 The Committee on Judiciary respectfully reports that it has had under consideration
17 HB 1226 and returns the same with the recommendation that said bill be amended as follows:

18 1226ra

19 On page 3 of the printed bill, delete lines 19 to 24, inclusive.

20 On page 4, delete lines 1 to 4, inclusive.

21 And that as so amended said bill do pass.

22 Also MR. SPEAKER:

23 The Committee on Judiciary respectfully reports that it has had under consideration
24 HB 1235, which was removed from the table, and returns the same with the recommendation
25 that said bill be amended as follows:

1 1235fa

2 On the printed bill, delete everything after the enacting clause and insert:

3 " Section 1. That § 46A-14-93 be repealed.

4 ~~— 46A-14-93. There is hereby established the Regional Watershed Advisory Task Force. The~~
5 ~~task force shall consist of the following fourteen members:~~

6 ~~— (1) The speaker of the House of Representatives shall appoint four members of the~~
7 ~~House of Representatives, no more than two of whom may be from one political~~
8 ~~party;~~

9 ~~— (2) The speaker of the House of Representatives shall appoint three members of the~~
10 ~~general public. At least one of the members shall have a background in natural~~
11 ~~resources law, science, or management, and at least one of the members shall have~~
12 ~~an agricultural or business background;~~

13 ~~— (3) The president pro tempore of the Senate shall appoint four members of the Senate,~~
14 ~~no more than two of whom may be from one political party; and~~

15 ~~— (4) The president pro tempore of the Senate shall appoint three members of the general~~
16 ~~public. At least one of the members shall have a background in natural resources law,~~
17 ~~science, or management, and at least one of the members shall have an agricultural~~
18 ~~or business background.~~

19 ~~— The initial appointments shall be made no later than July 1, 2012, and shall serve until~~
20 ~~January 12, 2013. The speaker of the House of Representatives and president pro tempore of the~~
21 ~~Senate, before the close of each regular session of the Legislature held in odd-numbered years,~~
22 ~~shall appoint members to the task force for a term of two years. If there is a vacancy on the task~~
23 ~~force, the vacancy shall be filled in the same manner as the original appointment.~~

24 Section 2. That § 46A-14-94 be repealed.

25 ~~— 46A-14-94. The Regional Watershed Advisory Task Force established pursuant to § 46A-~~
26 ~~14-93 shall conduct studies and evaluations on matters relating to drainage, erosion, flood~~
27 ~~control, reclamation, environmental protection, and improvement of lands, soils, waters, and all~~
28 ~~other authorized purposes and may advise any new or existing special purpose district or~~
29 ~~government entity on such issues. In addition, the task force shall consider potential alternative~~
30 ~~organizational structures and entities appropriate to address such issues. The task force shall~~
31 ~~report to the Senate and House of Representatives and may submit a copy of its report to the~~
32 ~~Governor. The task force may present draft legislation and policy recommendations to the~~
33 ~~Legislative Research Council Executive Board. The task force shall make recommendations in~~
34 ~~the following areas:~~

35 ~~— (1) The proper role, purposes, structure, powers, boundaries, and financing for regional~~
36 ~~and local watershed districts and the relationship of such districts to other types of~~
37 ~~water and natural resources-related special purpose districts;~~

~~(2) The role of watershed districts and other state and local government entities with respect to drainage issues, including drainage planning and management, resolution of drainage disputes, and recommendations for potential realignment of responsibilities for drainage matters; and~~

~~(3) Potential alternative organizational structures, entities, and strategies appropriate to address statewide, regional, and local issues relating to water and natural resources conservation, protection, management, and use."~~

8 1235fta

9 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "repeal the
10 Regional Watershed Advisory Task Force to save public financial resources.".

11 On page 1, delete line 2.

12 And that as so amended said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Judiciary respectfully reports that it has had under consideration
15 HB 1237 and returns the same with the recommendation that said bill be amended as follows:

16 1237rc

On page 1, line 12, of the printed bill, delete "federal holiday, or state holiday" and insert "or annually recurring holiday, as specifically named in § 1-5-1,".

19 And that as so amended said bill do pass.

20 Also MR. SPEAKER:

21 The Committee on Judiciary respectfully reports that it has had under consideration
22 HB 1094, 1192, and 1236 which were tabled.

23 Respectfully submitted,
24 Brian G. Gosch, Chair

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1023 and 1169 and finds the same correctly enrolled.

4 Respectfully submitted,
5 Brian G. Gosch, Chair

6 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
7 1:23 p.m. the House adjourned.

8 Arlene Kvislen, Chief Clerk
9 by Carolyn Perry